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Held at Headquarters, New York,
on Friday, 27 January 1995, at 10 a.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Peru (CEDAW/C/13/Add.29)

1. At the invitation of the Chairperson, Ms. Schenone (Peru) took a place at the Committee table.

2. Ms. SCHENONE (Peru), replying to the questions put forward by the Committee's pre-session working group, said that her country's institutions and republican form of Government had been brought to the brink of total collapse by a combination of terrorism, uncontrollable narcoterrorism, hyperinflation and a ravaged economy, which had made the country almost ungovernable and emergency measures essential. The takeover by the Government of reconstruction had made the country viable and had permitted a reorganization of economic structures. The new Constitution of 1993 reflected changes designed to make democracy viable throughout Peru. With most of the leadership of Shining Path and other terrorist groups in prison, peace had been restored, making development and the institutionalization of democracy possible and bringing relief to the population through the development of the resources available to them. Priority was being given to providing health and basic justice, and relief to the hardest hit areas. The Government had to meet the needs of some 600,000 people who had been displaced by terrorism and economic and social marginalization and was trying to reintegrate them into society. There were many female-headed households among the displaced population.

3. In the 1990s, the position of women was generally better at all levels than it had been previously. Women were better educated and all children attended school. There were greater prospects for women in the labour market, although they were still expected to take responsibility for the home and children. There was better provision for women's health, contraceptives and family planning were available, and maternal and child health care had improved. There was, however, some inequality between the position of women in urban and rural areas.

4. With respect to political rights, the 1980 Constitution had recognized the equality of men and women before the law, the Civil Code had been amended, and the Convention on the Rights of the Child was being applied. There was increased participation by women in State and governmental structures: the Ministers of Education and Health were both women, as was the Chief Prosecutor. Women were well represented in senior judicial positions, there were large numbers of women throughout the Government and in the Attorney-General's office, and women outnumbered men in tax offices. They also played an important role in grass-roots organizations.

5. The working group had noted that the report had not been drafted in accordance with the Committee's guidelines, and did not respond to comments made by the Committee in considering Peru's initial report. It had also noted that the machinery needed to apply the Convention fully was not in place. She

recognized that there had been a lack of coordination. All government offices were currently trying to ensure that action was taken in accordance with the new Constitution. In an attempt to improve coordination, a Permanent Commission for Women's and Children's Rights had been established in January 1994, three years after the Ad Hoc Commission on Women's Rights had been disbanded. The Commission was headed by the Deputy Minister of Justice and brought together representatives of governmental and non-governmental bodies, the Catholic Church, private enterprise and women's and children's organizations. It was responsible for multisectoral coordination of policies and activities and for ensuring that the Convention was effectively implemented in Peru. It had also produced Peru's national report for the Beijing Conference.

6. In response to the request for information on the number of women's organizations in Peru, she said that there were 110 such organizations, and eight national women's networks. Further statistics, compiled by the Permanent Commission, would be provided in the next report.

7. With reference to the lack of official statistics on the status of women, she said that the National Institute of Statistics and Information had carried out a number of censuses in 1993, which had provided gender-based statistics that would be included in the next report. On the question of the relationship between the Convention and Act (No. 23506) on habeus corpus and amparo, she said that Act No. 23506 (1982), as amended by Act No. 25011 (1989) and Legislative Decree No. 25433 (1992), strictly protected individual liberty and certain social rights, such as the rights of assembly, association and participation in public life, and safeguarded against any violation of human and constitutional rights. The Convention was applied in the context of the State's obligation to guarantee men and women equality in the enjoyment of all economic, social, cultural, civil and political rights. The aforesaid national laws provided broader mechanisms for women to invoke their rights under the Convention.

Article 2

8. The Constitution of 1993, like that of 1980, provided that international treaties which had been signed and ratified by the President of the Republic acquired the force of law.

9. The Civil Code of 1936, which had treated women as subordinate to men in all matters relating to the running of the home and the upbringing of children, had been completely remodelled. The new Code recognized equality between men and women, as did the Criminal Code of 1991 and the Code of Civil Procedure. While her Government was unable to specify the number of cases initiated under the anti-discrimination provisions of the Civil Code, as requested by the Committee, it would undertake a study of that subject.

10. Under the National Population Policy Law, family planning policies were designed to promote equality between men and women and to involve both partners in deciding how many children to have and at what intervals, and what family planning method to use.

Article 3

11. Replying to the concerns expressed about some aspects of the new Constitution, especially the fact that references to the basic principle of equality had been deleted and that economic, social and cultural rights had been excluded from the category of basic rights, she said that such concerns were unfounded. Not only did the Constitution guarantee all fundamental human rights, but the State had not abandoned its role of ensuring the well-being of the population. Articles 9 to 13 of the Constitution, as well as other articles, referred clearly to the need for State action in such areas as employment, health care, education, social services and infrastructure.

12. As part of the national machinery for the ongoing and systematic advancement of women's interests in all aspects of the planning and implementation of government programmes, the Permanent Commission for Women's and Children's Rights set up within the Ministry of Justice was responsible for coordinating government programmes. Non-governmental organizations had direct input into some aspects of policy formulation.

13. In order to combat violence against women, in 1988 her Government had begun to set up special police units, staffed by women police officers, to handle complaints of violence against women, including sexual abuse. There were now 11 such units operating in various provinces. That was an important step, as it was estimated that only 10 per cent of rape victims reported the crime to the authorities because of the complicated procedures involved.

Article 5

14. As to the allegations of rape committed by the security forces while interrogating suspects in areas under a state of emergency, all complaints of human rights violations were channelled through the National Human Rights Council, and those found guilty were punished. A computer network was being developed to enable international human rights bodies to have access to reports of human rights violations. Moreover, the terrorist groups Shining Path and Movimiento Revolucionario Tupac Amaru had been responsible for some 1,000 cases of rape, according to investigations carried out by her Government and by non-governmental organizations. In most cases, the victims had been rural women and girls. That was one of the reasons why her Government had stepped up its anti-terrorist campaign.

15. Among the specific measures adopted by her Government to protect women's basic human right to dignity and physical integrity, Act No. 26260, promulgated in December 1993, set forth the basic policy of the State and society in the area of domestic violence. Local communities had also devised their own mechanisms for protecting women. Under the Code of Children and Adolescents, a system was being established to enable anyone to file complaints of child abuse. Her Government's efforts in that regard were being coordinated with the United Nations Children's Fund (UNICEF).

Article 6

16. While precise figures on the scale of prostitution were not available, the extreme poverty in which a significant proportion of the population lived continued to encourage the practice. Of particular concern was the large number of adolescent girls involved in prostitution. A decree issued by the Ministry of the Interior banned prostitution among minors. The Code of Children and Adolescents provided that when minors were found engaging in prostitution, they were deemed to have been abandoned by their parents or guardians and became wards of the State. Efforts were being made to increase the penalties for procuring or pimping.

17. With regard to the status of women detainees, the regulations governing the penitentiary system prohibited any type of discrimination against women prisoners. The treatment of all prisoners was in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, and focused on rehabilitation, re-education and reintegration into society. In 1992, a survey of penal institutions had found 104 of them to be in a state of total disrepair, lacking space, water, electricity, and so on. Since then, 21 new penitentiaries had been built, each one containing minimum-, medium- and maximum-security facilities. The prisons were also equipped with workshops, visiting rooms, crèches and schoolrooms. Prisoners had access to training and education. A system was being developed to provide special training for prison personnel.

Article 7

18. Her Government, upon taking office, had appointed a woman to a Cabinet-level post. There were now two women ministers and a number of women legislators. Peru had a democratically elected Congress, and 7 of its 80 members were women. Women were also represented in all State agencies.

19. The new Constitution had given illiterate people the right to vote; since most illiterate people were women, that step had increased women's participation in public life. The crisis of confidence in traditional political parties and the rise of grass-roots and popular movements had enabled women to play a more prominent role as candidates. Nevertheless, most women were not involved in the fight for women's rights, which pointed to the importance of encouraging women leaders.

Article 11

20. While 81 per cent of the economically active female population was either unemployed or underemployed, the unemployment figures for women were only slightly higher than those for men. Discrimination against women in hiring was prohibited. While there had recently been an increase in the number of women in the workforce, 67 per cent were employed in the informal sector, an increase of 10 per cent from 1981 to 1991. The employment of women at the professional level had increased, but it had yet to reach desirable levels. A great deal of inequality persisted with regard to men's and women's occupations.

21. Her Government, with the support of UNICEF, was establishing child-care centres where some women would be paid to look after children so that other

women could have access to other kinds of employment. A number of women's organizations had also organized crèches.

22. Housewives were recognized as independent workers and were entitled to social security and health care. Old-age pensions could be drawn after age 55. The social security administration was endeavouring to collect statistics on the number of women who received such benefits.

Article 12

23. It was apparent from the studies which had been made that there had been progress in the knowledge and use of contraceptive methods and in awareness of responsible parenthood. Maternal and child health indicators had improved in urban areas, but were depressingly low in rural areas. At the State level, the National Population Council, the Ministry of Health and the Peruvian Institute of Social Security were responsible for policies on family planning. Despite all the campaigns which had been organized by the State and non-governmental organizations, however, women were still inclined to use the rhythm method of birth control.

24. On the question of abortion, the 1991 Penal Code emphasized the resocializing aspect of the penalties imposed for performing or undergoing an abortion. Under articles 114, 115 and 116 of the Penal Code, a woman who had an abortion was punishable by no more than two years' imprisonment, or was required to do community service. A person who performed an abortion with the woman's consent was punishable by imprisonment of one to four years, or two to five years if the woman died. The punishment for performing an abortion on a woman without her consent was imprisonment of three to five years, or 5 to 10 years if the woman died. The concept of therapeutic abortion had been broadened to include not only risk to the mother's life, but also serious risks to the mother's health. Peru regarded abortion as a public health problem and was combating it through family planning programmes designed to enable couples to decide on the number and spacing of their children. Induced abortion was the leading cause of maternal mortality, especially in the lower economic strata.

25. The maternal mortality rate had been 261 per 100,000 live births in 1993, representing a 19 per cent decline since 1981. The highest rates of maternal mortality were found among uneducated women: 489 maternal deaths per 100,000 live births. The main causes of maternal death were induced abortion and complications of childbirth associated with inadequate medical care. Only 53 per cent of births were assisted by medical personnel. Over the period 1981-1991, the average infant mortality rate had been 64 per 1,000 and the child mortality rate, 92 per 1,000. Infant and child mortality rates were higher for boys than for girls. There had been a decline in infant and child mortality in urban areas, associated mainly with the improvement in the educational level of mothers. In 1990 and 1991, the main causes of infant and child mortality for both boys and girls had been preventable and treatable; they included perinatal infections, acute respiratory infections, chronic diarrhoeal disease and nutritional deficiencies.

26. The HIV/AIDS epidemic was rapidly growing and spreading to ever-broader sectors of the population: the number of HIV-infected persons reported during

the biennium 1992-1993 had exceeded the cumulative total for the previous nine years. At least 60 per cent of recent HIV cases had been among heterosexuals. Infection rates were increasing among women and children, the latter as a result of the perinatal transmission of HIV/AIDS. At the same time, complications such as tuberculosis were on the rise, especially in poor areas. HIV/AIDS was concentrated in Lima and other major cities. In 1993, women with AIDS had accounted for 11.4 per cent of the total number of recorded cases. The risk of perinatal infection was three times greater for girls than for boys.

Article 14

27. A study carried out by the Ministry of Agriculture, with support from the Food and Agriculture Organization of the United Nations (FAO), showed that women's participation in agriculture was confined to working in the fields and that they were unable to obtain loans from financial institutions because gender stereotypes barred them from financial and marketing activities. However, there were areas of Peru where rural women were able to obtain loans, and it had been found that they were more likely than men to use the loans for the purposes for which they had been given and to make their payments promptly.

28. The Ministry of Agriculture, with the help of the Inter-American Development Bank, was carrying out a land titling project under which women working a piece of land could acquire ownership of it and secure access to credit and financing. A network of technical cooperation bodies and institutions was supporting rural women and providing financing for small projects. The Ministry of Agriculture was also carrying out programmes to give indigenous women access to resources. Social spending was being increased in the poorest areas to build up basic infrastructure, including health centres and schools, so as to promote development.

29. On the question of the public role of rural women and girls, Peru was establishing the institutions provided for in the 1993 Constitution and promoting decentralization. It was hoped that the new law on decentralization would recognize the de facto participation of women in the public life of provinces and departments.

Article 16

30. The Peruvian Civil Code, which had been in force since 1984, accorded equal treatment to men and women in all aspects of family law. In the event of divorce, the obligation of support ended, but if one of the former spouses did not have adequate resources, a judge could order the other spouse to continue to pay support. That obligation ended in the event of re-marriage. There had been cases in which men had been granted support payments.

31. Her Government, through the National Institute of Statistics and Information, was currently collecting statistics on the situation of women; consequently, it was not possible to provide statistics on divorce and child custody at the current stage.

32. The CHAIRPERSON commended the representative of Peru for her detailed presentation, which had been a great improvement over the presentation of the first report.

33. It was clear that the two major obstacles to the advancement of women in Peru were the legacy of terrorism and the problem of the foreign debt. It was encouraging that the Peruvian Government had made a commitment to implement the Convention and respect all its obligations and had taken measures to improve the status of women. Although the economic situation posed tremendous difficulties for women's rights, those difficulties could sometimes be overcome through political will. Greater commitment would be needed on the part of women in Parliament and in decision-making positions at various levels, so as to bring about improvements.

34. She had been very concerned to hear about the high rates of maternal and child mortality, and also about the increase in the incidence of tuberculosis. In view of the high maternal mortality rate resulting from illegal abortions, it seemed that the Government should consider more flexible legislation, providing for the right to choose, since the rigorous legislation in force had done nothing to stem the increase in illegal abortions. Although there were very serious problems of exploitation of women before and after emigration, the representative of Peru had not touched on the question of emigration.

35. It was gratifying that the efforts of the Peruvian Government to combat terrorism had had some success; she hoped that in the more stable conditions now prevailing, the Government would be able to guarantee women their rights, as well as access to education and family planning.

36. Ms. AOUIJ said that although Peru was experiencing political and economic problems, it seemed to be moving out of the period of instability and political crisis; peace was a prerequisite for social development. It was important for women to gain representation in the judiciary, so that they could help bring morality and ethics into the administration of justice. She hoped that the next report would include detailed information on women prisoners and an analysis of de facto discrimination against women.

37. Ms. BERNARD said that it seemed from the report that the main obstacles to women's advancement to the higher levels of government and decision-making were the conservatism and prejudice of men at the top.

38. Although paragraph 72 of the report indicated that the 1987 appointment of a woman as Attorney-General and member of the Supreme Court, at the proposal of the National Council of Judges, had not been ratified by the Senate, it appeared that there was now a woman in that post, which was commendable. It was gratifying, as indicated in paragraph 73, that a woman had been elected in preference to two men as Director of the Academy of Judges. The representative of Peru had also mentioned that a woman had been appointed to the post of Chief Prosecutor. Those were significant gains. However, it appeared that policewomen still had no access to the upper ranks of the police force and she hoped that steps would be taken to remedy that situation.

39. Paragraph 86 suggested that women would not be able to reach the higher levels of government until they became organized; it seemed, however, that the difficulty was one of male attitudes. Paragraph 80 referred to the reinstatement of a woman judge of the Higher Court; however, justice delayed was justice denied. The overall impression was that there was a need to re-educate and sensitize men to the role of women in government.

40. Ms. BUSTELO GARCIA DEL REAL noted that one of the objectives of the Permanent Commission for Women's and Children's Rights was the implementation of the Convention and the pursuit of the Government's goal of strengthening the institution of the family. She feared that in a context of scarce resources and low levels of development, such "strengthening" could be to the detriment of women's rights. She urged the Government to ensure that the family did not become an instrument for the subordination of women or for preventing them from seizing the same opportunities as men. Even in developed countries, women's share of family responsibilities was much greater than that of men, which made it impossible for women to enjoy true equality. It was essential for men and women to share responsibilities and decision-making fairly at all levels, as provided for under article 5 of the Convention. There was a need to overcome sex-role stereotypes, especially in education, in order to combat discrimination throughout society.

41. As the struggle against terrorism appeared to have been largely won and the economic situation looked more favourable, she hoped that Peru's next report would contain more statistical data on the evolution of women's status and on the practical implementation of the Convention, specifically with regard to legislation permitting therapeutic abortion in cases of rape, fetal abnormality or serious risk to the health of the mother.

42. Ms. KHAN expressed appreciation at the Peruvian Government's ratification of the Convention without reservations and its adoption of the Convention into its own national legislation, although she perceived a lack of coordination in the activities undertaken by the Government to implement the Convention. She also found the regional overview of the situation of Peruvian women, contained in part I of the report, to be helpful. She noted the sharp contrast between the status of urban and rural women, as well as the generally heavier burdens borne by women, especially in the marginal urban population.

43. It appeared that the average Peruvian woman had yet to enjoy the benefits of the political and economic reforms being advanced by the President. Solutions had to be found to the critical problems affecting women, especially women in the informal sector. She wished to know what kind of resettlement programmes were being undertaken for displaced upland women, and what percentage of those women were being reached by such programmes. She also requested information on the reasons for the failure of many of the credit programmes undertaken previously, as well as on what programmes and policies were being undertaken to implement specific provisions of the Convention.

44. Ms. SHALEV said that she was encouraged at the development of child-care programmes in cooperation with UNICEF, and at the removal of the legal double standard regarding adultery and divorce. At the same time, she joined Ms. Bustelo García del Real in expressing fears that the strengthening of the

family would take place at the expense of women's rights as individuals. In the responses to Committee members' questions, very little had been said to indicate that women were seen as anything other than mothers, wives or persons needing protection. Women also needed to be given the means to assert their individuality and determine the course of their own lives. To truly observe the spirit of the Convention, it was necessary to think of women as independent beings.

45. In view of the fact that access to contraception was limited and women in Peru were risking their lives and their freedom to obtain sorely needed abortions, she asked whether their reported preference for the rhythm method of contraception represented a genuine choice among meaningful alternatives. Broader interpretation of the therapeutic exceptions to the laws against abortion could provide greater access to safe abortions, without necessarily requiring changes in the laws themselves. Other possible means to the same end would include seeking the cooperation of doctors and medical organizations, and educating judges and lawyers about women's health needs.

46. Ms. MUÑOZ-GOMEZ asked for further information on programmes to protect women victims of the struggle against subversion, to assist underemployed women, and to provide rehabilitation and access to alternative sources of income for women released from imprisonment for involvement in low-level drug trafficking.

47. Ms. ABAKA endorsed the concerns expressed by members of the Committee regarding the need to consider the health needs of women as individuals, as a prerequisite for meaningful development. She requested information on the effects of structural adjustment on the status of women working in the informal sector and suggested that the World Health Organization should be informed of the recent increase in tuberculosis in Peru. She also urged the Government to continue its decentralization efforts, as those would provide more opportunities for women to take part in the decision-making process at the community level.

48. Ms. ESTRADA CASTILLO asked whether the women at high levels of the current Peruvian Government had real power, and whether women detainees had a real possibility of reintegration into society.

49. Ms. JAVATE DE DIOS noted the extensive information provided on the situation of women detainees and the abuses committed during the fight against subversion, and welcomed the steps being taken by the National Human Rights Council to punish the perpetrators of such abuse. She asked for information on the number of military personnel arrested or under investigation in that connection, as well as on measures to protect women and children from being caught in the fighting in emergency zones, long-term programmes to integrate displaced persons, the existence of a gender-disaggregated national register of detainees, and assistance to the affected families. She also suggested that the time had come for human rights education programmes targeting all sectors of society. She applauded the Government for its restoration of constitutional processes, despite continuing instability, and for the creation of the National Human Rights Council. She hoped that the freedoms of association and assembly would not be curtailed and that opposition groups would be distinguished from terrorists in being allowed to participate meaningfully in governance. She inquired about the position of the armed forces vis-à-vis the civilian

Government, and expressed her desire to see further information, in the next report, on the progress made against illiteracy, unemployment, prostitution and drug trafficking.

The meeting rose at 1.15 p.m.